An Arab Moderate on Israel's Dilemma, P. 4

When Even Nixon Begins to Sound Like A Voice in the Wilderness

"Even as American troops attempt to pacify hamlets in Vietnam, special Army teams are now touring scores of our cities, making contingency plans for their pacification next summer."

—Nixon in New York Dec. 18 to the National Association of Manufacturers. "The ultimate test of America," Nixon said, is not Vietnam "but America itself." The test of Nixon is just where he now stands on the Vietnam war.

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A Lost Political Opportunity For Peace

Several issues need to be clarified in the growing conflict between the Senate Foreign Relations Committee and the Administration over the Vietnamese war, and particularly the role of the NLF in any peace talks. The first concerns the real meaning of Secretary Rusk's refusal to testify in public before the Committee. The public hearing is the nearest equivalent to the question time in the British House of Commons, when a Cabinet officer can be subjected to interrogation by the opposition. The public has a right to know the answers. Giving those answers in private to the committee is no substitute. How can there be informed, democratic decision on such basic issues if discussion is kept within a small circle, behind closed doors? The State Department has always preferred captive audiences, one-sided briefings, off-the-record meetings. Its whole system of private conferences for specially chosen audiences is to keep decision-making processes within a closed group, and to give that group only its own point of view. This is very much like the system used in Communist countries, where changes in the party line are expounded to closed meetings within the Party, and without real debate.

They Learn More From the Newspapers

The second point to be made is that even behind closed doors the State Department tells the Senate Foreign Relations Committee very little. Though the Senate is supposed to share in many foreign policy decisions and the Committee is its instrument for that purpose, Committee members have complained over and over again that they learn less from these private briefings than from the newspapers. The Department shows as little candor with the Committee as it does with the selected groups of citizens it brings to town from time to time for special foreign policy conferences. Two recent examples will illustrate. Ambassador Bunker was less candid with the Committee than he was with the specially chosen correspondents he briefed; he at least admitted to the latter that the U.S. could not afford to deal with the NLF because it was the only cohesive political force in South Vietnam, an admission at considerable variance from the Department's public view that the NLF is only the tool of Northern invaders and that there is now a viable government in the South.

The other example has just come to light in the wake of the news leak that last October the NLF put out a feeler to the UN about sending representatives to New York. Not a word (I have learned) was said about this to the Committee by Ambassador Goldberg, when he appeared before it on November 2, though one of the main questions in that session was about NLF representation at the UN in any attempt to have the Security Council act on the Vietnamese war. Goldberg's lack of candor has angered Committee members who praised him for his presentation—only to discover now that he had withheld such important information from them. "At the time," Hedrick Smith reported in the *New York Times* Dec. 6, "Goldberg's declaration of U.S. readiness to have the NLF invited to attend any Security Council debate on Vietnam, was regarded as a shift in the administration's public

(Continued On Page Two)

Was It Worth 158 American Lives?

"Dak To, South Vietnam, Dec. 3—Hill 875, which was captured 10 days ago, after a 5-day battle that cost 158 [by a typographical error this was erroneously printed as 58—IFS] American lives has already been abandoned. U.S. parachute troops who had been guarding the peak about 4 miles from Cambodia, have returned to Dak To after blowing up the massive bunkers and fortifications on and around the summit. No explanation has been given for the withdrawal.

"OF ALL THE NUMBERED RIDGES WHICH EARNED FLEETING FAME DURING LAST MONTH'S BIG BATTLES, ONLY HILL 1338 REMAINS IN AMERICAN OR SOUTH VIETNAMESE HANDS [emphasis added]. The others have been abandoned after attempts to destroy the bunkers which protected them. The territory is vast and the impressive number of American troops is not sufficient to hold any of it for long."

—This Agence France Presse *dispatch from the London* Times *of Dec. 4 provides the sequel to the article we ran in our issue of the same date, "Westmoreland's Bloody Folly on Hill 875." We saw the same dispatch in the Paris* Le Figaro *but in no U.S. wire service or newspaper, not even the* New York Times *which subscribes to the French press service. Why is this news withheld from the U.S. public? So it cannot ask why so many lives were spent on taking hills the enemy can now reoccupy? If they aren't worth holding, why were they worth capturing? What happens to the fable that they were of such strategic significance they had to be taken at any price?—IFS*

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(Continued from Page One)

position to make future approaches to the Security Council more meaningful." Now it appears that the State Department had already turned down a feeler from the NLF to send a delegation to the UN.

Semantic Smoke-Screen

Senator Morse, for one, might have been less eager to praise Goldberg for "a historic statement" to the Committee if he had known the information being withheld from it. In January 1966 the U.S. put a resolution into the Security Council to have it take up the Vietnamese war. This made it look as if the U.S. were loyally working with the UN at the very moment the U.S. was rejecting U Thant's 3-point peace proposal, which called for an end to the bombing of the North as the first step toward a cease-fire and peace talks. Now it looks as if in November Goldberg talked of U.S. willingness to have the NLF invited to a Security Council session as a public ploy while privately the U.S. was rejecting a proposal to give an NLF delegation visas for New York under its headquarters agreement with the UN. A decade ago, despite French objections, the Algerian NLF was given U.S. visas to establish an unofficial mission at the UN in New York while fighting the French. The excuse then was that the Algerian question was on the UN agenda. But so—as a matter of fact—is the Vietnamese question. It was put on the agenda of the Security Council by Goldberg in January of 1966, though the other members are reluctant to act upon it.

The U.S. objected to the Vietnamese NLF presence on the ground that they would carry on "propaganda" at the UN. Doesn't everybody? Doesn't the U.S. mission? Isn't propaganda only a bad word for the other fellow's effort to put *his* case? Isn't that what an international forum is for? That feeler from the NLF—they said they would deny it if made public prematurely and they have denied it now—was a political opportunity. The Chinese are against a UN role in settling the Vietnam war. That feeler went contrary to Peking's policy. The NLF could have argued with Peking that a chance to be represented in New York and present its case to the world press and radio-TV at the UN justified the move. If the U.S. wants the UN to take a hand in settling the Vietnamese war, this was a chance to draw the NLF into the UN's orbit, and well worth the admission price of letting them "make propaganda" at UN headquarters.

Today the Soviet bloc, the Afro-Asians and even our own allies are dubious about UN intervention in the Vietnamese war because the other side is opposed. An NLF mission in New York would change the picture. The ability of a belligerent to state its case in New York even though it was fighting the American government would help to change the view that the UN has become in too large a degree an instrument of American policy. Of course if the French had had their way 10 years ago the Algerians would never have been represented at the UN either. The U.S. gave at least limited support to the Algerian cause because it wanted an end of the Algerian war, just as France today gives limited support to the NLF because it wants an end of the Vietnamese war. We should have taken up that NLF feeler in October and granted visas. This would have helped to rehabilitate the UN's reputation as a truly independent forum. The Senate Foreign Relations Committee had a right to know about this from Goldberg, and ought to air the issue fully now.

The Kind of Pot LBJ Smokes

"Washington, Dec. 6 (UPI)—David E. Lilienthal, chairman of the Development and Resources Corporation, told President Johnson today that the South Vietnamese people considered economic and social development their first priority, with peace 'way down on the list.'

—New York Times, Dec. 7.

"Lilienthal gave President Johnson, the Cabinet and the press a rosy report on the politics and economics of South Vietnam. Just back from a Saigon trip, [he] offered these observations:

"The new government in Saigon is run by young, able dedicated men. Energetic young men in the National Assembly are building new popular constituencies to replace the discredited political parties of the past. The countryside is not physically ravaged by the war and is ripe for immediate economic development. The people are not dispirited."

—Washington Post, Dec. 7.

Former Naval Lieut. Says No Shots Were Fired At the Maddox in Tonkin Bay "Incident"

"I maintain that President Johnson, Secretary McNamara, and the Joint Chiefs of Staff gave false information to Congress in their report about U.S. destroyers being attacked in the Gulf of Tonkin.

"In August 1964 I was serving as a commissioned naval officer aboard the 'USS Pine Island' (AV-12) in the Pacific. Pine Island was the first U.S. ship to enter the war zone in response to the 'attack' upon the destroyers 'Maddox' and 'Turner Joy'. I recall clearly the confusing radio messages sent at that time by the destroyers—confusing because the destroyers themselves were not certain they were being attacked. Granted that some North Vietnamese motor torpedo boats were in the area and used harassing maneuvers, the question is this: did they actually fire shells or torpedos at U.S. warships? The answer is no.

"I learned this by speaking with the chief sonarman of the Maddox who was in the sonar room during the 'attack'. He told me that his evaluation of the sonarscope picture was negative, meaning that no torpedos were fired through the water, at the ship or otherwise. And he also said that he consistently reported this to the commanding officer during the 'attack'. My naval experience as an anti-submarine warfare officer makes it clear that a chief sonarman's judgment in such a situation is more reliable than that of anyone else on the ship including the commanding officer. No one is in a better position to know than the chief, and in this case his judgment was that there was no attack.

"Yet the Pentagon reported to the President that North Vietnam had attacked us, and the President reported it to Congress. Why? Was it simple misunderstanding, or a deliberate attempt to test our position in Asia? Whatever the reason, in a moment of panic, based on false information, the President was given unprecedented powers which today enable him to conduct an undeclared war involving over half a million men and costing billions of dollars. That's a pretty high price to pay for a bad radio report. Let's hope our warships aren't attacked by Chinese sampans next."

—Letter to the Editor, New Haven Register, *Dec. 6, by former Lt. (j.g.) John W. White, of Cheshire, Conn.*

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The Supreme Court Throws Out A Silly Law In A Silly Witch-Hunt

The Case of The Known Communist in The Seattle Shipyard

It is hard to imagine a sillier piece of witch-hunting than that involved in the Robel case. Eugene Victor Robel is a known Communist party member. He has been working as a machinist in the Todd Shipyards in Seattle for the past 10 years. As a known Communist in a plant working on naval contracts, he was certainly under surveillance. Had he done anything in that time which remotely smacked of sabotage or espionage, he could not only have been discharged but prosecuted.

Ten Years' Satisfactory Employment

Robel got caught in the works of the Internal Security Act. In 1961 under that Act the Subversive Activities Control Board issued an order requiring the Communist Party to register. Under the terms of that act any members of a "Communist action" organization which has been ordered to register are forbidden to work in a "defense facility." In 1962 the Todd Shipyards were formally designated as such a facility. In 1963 Robel was indicted for working there. The funniest part of the story is that after being arrested and released on bond, he went back to work at the shipyards and is still working there while his case is being prosecuted.

Under all the circumstances it is hard to believe that Robel is a menace to the national defense. On the contrary, machinists being in short supply, his foreman probably considers the whole case a nuisance. A Federal District Court dismissed Robel's indictment. It held that there was no proof of "active membership and specific intent" to do anything wrong. The Supreme Court, 6-to-2 (Thurgood Marshal took no part, since he was not on the bench during the argument) has now declared the "defense facility" portion of the Act unconstitutional on the ground that it bars a man from employment purely on the basis of associations, with no requirement of proof that he personally was engaged in, or planned, any illegal action. Only White and Harlan dissented. The majority's reasoning followed that in the Aptheker case where the Court threw out another section of this Act which would have denied passports to Communists. In both cases the Court held that such sanctions would be an interference with First Amendment rights.

Little is now left of this Act except the registration provisions. The Court has already held that under the Fifth amendment Communists cannot be forced to register. A bill before Congress would allow the Attorney General to register Communist organizations and members on his own initiative, thus establishing a kind of blacklist.

The government is now going through the motions of trying to see if, in the case of the DuBois clubs, it can force an alleged "Communist front" to register. The Court last Monday refused to throw the case out on the ground that the DuBois clubs had not yet gone through SACB hearings and lower court appeals. Two Justices, Black and Douglas, voted to throw the case out now (see box below). There is little doubt that the Court will do so eventually.

As we write the new bill is buried in the murky depths of a conference committee, on which the conferees from both House and Senate are all right-wingers anxious to save the SACB at least as a means of blacklisting radicals. This too is almost sure to be held unconstitutional under the First Amendment. Senator Proxmire who led the fight against it in the Senate has threatened to resume his battle if the bill is reported out without the Mansfield amendment under which the Subversive Activities Control Board would go out of existence in 1969 if no new cases are filed with it by the Attorney General before the end of 1968. It looks as if the bill may be held over until the next session, unless the right-wingers can slip it through unnoticed in the hectic closing days of this one.

Shall We Lose Freedom In "Defending" It?

"The Government asserts that 5(a)(1)(D) [of the Internal Security Act] is an 'expression of the growing concern shown by the executive and legislative branches of government over the risks of internal subversion in plants on which the national defense depend(s).' Yet, this concept of 'national defense' cannot be deemed an end in itself, justifying any exercise of legislative power designed to promote such a goal. Implicit in the term 'national defense' is the notion of defending those values and ideals which set this nation apart. For almost two centuries, our country has taken singular pride in the democratic ideals enshrined in its Constitution, and the most cherished of those ideals have found expression in the First Amendment. It would indeed be ironic if, in the name of national defense, we would sanction the subversion of one of those liberties—the freedom of association—which makes the defense of the Nation worthwhile."

—Chief Justice Warren holding unconstitutional that portion of the Internal Security Act which forbids employment of Communists in defense plants.

Douglas (With Black) Argues Jeffersonian Doctrine in Defense of the DuBois Clubs

"I believe that the provisions of the Act now challenged are void on their face. . . . Jefferson expressed the American constitutional theory: '(T)he opinions of men are not the object of civil government, nor under its jurisdiction. . . . (I)t is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order. . . .'

I see no constitutional method whereby the Government can punish or penalize one for 'being a Communist' or 'supporting Communists' or 'promoting communism.' . . . The members of the DuBois Clubs may or may not be Communists. But as I said, I see no possibility under our Constitution of penalizing one for holding or expressing that or any other belief. The DuBois Clubs may advocate causes that parallel Communist thought or Communist policies. They appear, for example, to advocate the termination of hostilities in Vietnam. But so far as advocacy is concerned, I see no constitutional way of putting restraints on them so long as we have the First Amendment. . . .

"If Government can investigate ideas, beliefs, and advocacy at the left end of the spectrum, I see no reason why it may not investigate at any other part of the spectrum."

—Douglas dissenting (with Black) from the refusal to dismiss the SACB's action against the DuBois Clubs.

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How Israel Treats The Arabs Under Its Control Will Be Decisive

A Liberal Arab Points the Way to Peace and Reconciliation

By Cecil Hourani

The selection on this page is from an article, "The Moment of Truth: Towards A Middle East Dialogue" *by the distinguished Arab writer, Cecil Hourani, as translated in the November issue of* Encounter *from the Lebanese paper,* El Nahar. *Mr. Hourani was for ten years adviser to President Bourguiba of Tunis, the only Arab leader who has dared suggest a peaceful approach to Israel. We recommend this article to all who would understand the Arab point of view, and we believe it offers a basis on which peace and reconciliation are possible.*

Israel's military victory was not a political one: it has not led her any nearer to that peace on her terms which she would like, or any nearer to the negotiating table with the Arabs. . . . It has on the contrary brought against her a coalition of international pressures which never existed before, and liquidated the fruit of twenty years' work to win friends in Africa and Asia.

Military Force No Solution

If military force is not the Arabs' best card, neither is it Israel's. . . . Firstly, let us suppose that international pressures do not succeed in forcing Israel to withdraw to her pre-5 June frontiers. By incorporating the Gaza Strip and the West Bank into her territory, the proportion of Arabs to Jews in Israel will be radically changed. The higher birth rate of the Arabs will give them equality in numbers, then a majority, in a few years. And as the proportion of 'Arab' Jews to European Jews is also changing, the total population of Palestine will eventually, and before long, take on an oriental character. As we acquire some of their virtues, and they acquire some of our defects, the gap between Arab and Jew will narrow, and in fifty years could almost disappear.

Secondly, it is clear that the Zionist movement as a whole and the Israeli leaders in particular, must now face a dramatic dilemma as a result of their *blitzkrieg* on 5 June. This dilemma is the following: If the Israeli Government accepts the Arabs within the territories she controls as full Israeli citizens, with equal civil and political rights, the concept of Israel which has hitherto been incorporated into her laws will have to be changed. Israel will no longer be a Jewish state, in which, as it does now, full citizenship requires not only membership of the Jewish religion, but Jewish ancestry. It will become a Jewish-Arab state in which nationality will be a function of residence or citizenship. Israel, in other words, as she has been since 1948, will no longer exist, and Palestine, with Jews and Arabs living together, will have been restored.

If, on the other hand, the Israeli authorities refuse to accept the Arabs as full citizens with equal civil and political rights, she will have on her hands a large population which she will be unable to liquidate or to govern.

If Israeli Extremists Succeed

It is the perception of this dilemma which is now leading some of the Israeli leaders to force the hands of the others and to try to have it both ways: to keep the territories they have conquered, and try to reduce the Arab population in numbers by encouraging their exodus across the Jordan. It is not difficult to foresee that the next step will be to encourage a new wave of Jewish immigration into Israel, to replace as many Arabs as possible in as short a period as possible.

If the extremists within Israel succeed in forcing the hand of the more reasonable, and getting the world Zionist movement to follow, then they will in fact make forever impossible their dream of an Arab-Jewish *rapprochement.* For the way in which the Arabs are ultimately going to judge the advantages of peace or war in their relations with Israel will depend on the way Israel treats the Arabs within its borders. If there is a genuine attempt to live together with the Arabs on terms of complete equality and within the same juro-political framework, the way to an eventual conciliation between Israel, or Palestine, and the rest of the Arab world will have been opened. But if the Arabs are excluded from full citizenship, and reduced to the status of a colonized, dependent population, no peace will ever be possible, either inside or outside Palestine.

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